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JAN 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Ziech et al.	:	DECISION ON APPLICATION
Application No. 10/813,713	:	FOR
Filed: March 31, 2004	:	PATENT TERM ADJUSTMENT
Atty Docket No. 60680-636	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT," filed December 26, 2006. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from two hundred seventy (270) days to three hundred (300) days.

The application for patent term adjustment is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is three hundred (300) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On September 26, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 270 days. On December 26, 2006, applicants timely submitted the instant application for patent term adjustment<sup>1</sup>. Applicants state that their response to the restriction requirement mailed March 31, 2006 was filed on May 1, 2006, not April 1, 2006. Accordingly, the reduction pursuant to 37 CFR 1.704(c)(8) for the filing of an Information Disclosure Statement (IDS) on May 5, 2006, should have been 4 days, not 34 days.

<sup>1</sup> PALM records indicate that the Issue Payment was filed on December 26, 2006.

Applicants state that the application is not subject to a terminal disclaimer.


Applicants are correct. The application history confirms that the election was filed electronically on May 1, 2006. This was still within three months of the mailing of the restriction requirement on March 31, 2006. The IDS was subsequently filed on May 5, 2006. Accordingly, the period of reduction pursuant to 37 CFR 1.704(c)(8) is 4 days.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is 300 days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Patent Publication for issuance of the patent. The patent term adjustment indicated on the patent will include any additional patent term adjustment accrued for Office delay in issuing the patent after payment of the issue fee and all outstanding requirements having been met.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

  
Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

Day : Tuesday  
Date: 1/23/2007

# PALM INTRANET

Time: 14:11:04

## PTA Calculations for Application: 10/813713

Application Filing Date:	03/31/2004	PTO Delay (PTO):	304
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	34
Post-Issue Petitions:	0	Total PTA (days):	300
PTO Delay Adjustment:	30		

## File Contents History

Number	Date	Contents Description	PTO	APPL	START
60	01/23/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		4	
59	01/23/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	34		
47	09/26/2006	MAIL NOTICE OF ALLOWANCE			
46	09/25/2006	ISSUE REVISION COMPLETED			
45	09/22/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
44	09/22/2006	CASE DOCKETED TO EXAMINER IN GAU			
43	09/18/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
42	09/22/2006	NOTICE OF ALLOWABILITY			
41	09/18/2006	NEW OR ADDITIONAL DRAWING FILED			
40	09/19/2006	DATE FORWARDED TO EXAMINER			
39	08/18/2006	RESPONSE AFTER NON-FINAL ACTION			
38	06/16/2006	MAIL NON-FINAL REJECTION			
37	06/12/2006	NON-FINAL REJECTION			
36	05/05/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
35	05/01/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
34	02/13/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	05/05/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		34	29
32	05/01/2006	REFERENCE CAPTURE ON IDS			
31	05/01/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
30	05/02/2006	DATE FORWARDED TO EXAMINER			
29	04/01/2006	RESPONSE TO ELECTION / RESTRICTION FILED			

28	03/31/2006	MAIL RESTRICTION REQUIREMENT	304		-1
27	03/29/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
26	02/13/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	02/17/2006	CASE DOCKETED TO EXAMINER IN GAU			
24	03/10/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
23	03/10/2005	CASE DOCKETED TO EXAMINER IN GAU			
22	07/06/2004	INCOMING LETTER PERTAINING TO THE DRAWINGS			
21	07/06/2004	PRELIMINARY AMENDMENT			
20	03/31/2004	REFERENCE CAPTURE ON IDS			
19	03/31/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	02/09/2005	RESCIND NONPUBLICATION REQUEST FOR PRE GRANT PUBLICATION			
17	08/02/2004	APPLICATION RETURN FROM OIPE			
16	08/02/2004	APPLICATION IS NOW COMPLETE			
15	08/02/2004	APPLICATION RETURN TO OIPE			
14	07/30/2004	APPLICATION RETURN FROM OIPE			
13	07/30/2004	APPLICATION IS NOW COMPLETE			
12	07/06/2004	ADDITIONAL APPLICATION FILING FEES			
11	07/06/2004	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
10	06/18/2004	CORRECTED PAPER			
9	06/18/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
8	06/17/2004	APPLICATION RETURN TO OIPE			
7	06/17/2004	APPLICATION DISPATCHED FROM OIPE			
6	06/18/2004	APPLICATION IS NOW COMPLETE			
5	03/31/2004	PGPUBS NONPUB REQUEST			
4	04/28/2004	CLEARED BY OIPE CSR			
3	04/28/2004	CASE CLASSIFIED BY L&R			
2	04/20/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/31/2004	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

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